

REMARKS

Basis in the specification for newly-presented claims 34-44 may be found at page 20, line 10 to page 21, line 15; page 31, line 18 to page 32 line 19; page 33 lines 8-10; page 41, line 23 to page 42, line 2; page 42 lines 7-12; page 45, lines 17-30; page 46, lines 3-16; page 47, line 1 to page 48, line 29; page 49, line 20 to page 50, line 6; page 50, lines 18-21; and page 52, lines 7-11.

Claims 6-33 were the subject of a two-part species requirement: Part I – the organ, and Part II – the growth factor.

Regarding Part I, the Examiner considered that numerous disclosed organs can be treated by the claimed invention and listed seven potential species. However, the Examiner by using the abbreviation “etc.” included undefined but disclosed species beyond the seven species of organs identified in the requirement. In conformance with the Examiner’s requirement to elect a single disclosed organ specie, Applicant hereby elects to prosecute claims directed to treating a pancreas. Please note that claims 6-33 were cancelled and replaced by claims 34-44. All of claims 34-44 are directed to the elected pancreas specie, and thus the presentation of the new claims complies with the Examiner’s requirement of electing a single organ.

Regarding Part II, the Examiner identified four species of growth factors disclosed as useful for the treatment of an organ. In conformance with the Examiner’s requirement to elect a single disclosed specie, Applicant hereby elects to prosecute the claims directed to cells. Please note that claims 6-33 were cancelled and replaced by claims 34-44. All of claims 34-44 are directed to the elected cells specie, and thus the presentation of the new claims complies with the Examiner’s requirement to elect a single species of growth factor.

As apparent from the preceding two paragraphs, Applicant has elected to prosecute claims directed to the treatment of a pancreas with cells. Applicant believes that the presentation of new claims 34-44 is fully responsive to the Examiner's two species restriction requirements. Applicant chose to present such new claims directed to the elected species rather than to maintain claims containing the genres "organ" and "growth factor" in a sincere effort to expedite the prosecution of the instant application by more narrowly defining the claimed invention. Considering that the instant application was filed nearly three years ago, Applicant is desirous of reaching an early conclusion to the instant prosecution. As mentioned above, claims 6-33 were cancelled, but the subject matter was not abandoned. Such claims were cancelled without prejudice to filing additional applications.

Applicant requests a prompt action on the merits of the elected invention.

Respectfully submitted,

Date: June 14, 2006



Gerald K. White
Reg. No. 26,611

GERALD K. WHITE & ASSOCIATES, P.C.
205 W. Randolph Street, Suite 835
Chicago, IL 60606
Phone: (312) 920-0588
Fax: (312) 920-0580
Email: gkwpatlaw@aol.com